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June 20, 2008

**VIA E-MAIL**

Honorable Paul A. Crotty  
United States District Judge  
Southern District of New York  
500 Pearl St., Room 735  
New York, New York 10007

Re: Bailey et al v. Lutheran Medical Center et al.,  
Case No. 07-CV-11481 (PAC) (S.D.N.Y.)

Dear Judge Crotty:

We represent the defendants Lutheran Medical Center ("Lutheran") and Lutheran Medical Center Health Services Retirement Plan ("Retirement Plan") in the above referenced matter. We write pursuant to paragraphs 1A and E of Your Honor's Individual Practices to jointly request with plaintiffs' counsel an extension of the various dates established at the April 23, 2008 conference with Your Honor.

This action was initially filed in state court and was removed by defendants to this Court on the basis that the amended complaint alleged a claim under the Employees Retirement and Security Act ("ERISA"). At the April 23, 2008 conference Your Honor set a schedule under which plaintiffs would submit a demand to the plan administrator, the plan administrator would then respond to the demand, and depending on the response, plaintiff would file an amended complaint. A status conference was set for Tuesday July 1, 2008 at 3:00 p.m.

As matters have evolved, plaintiffs timely submitted their demands to the plan administrator in compliance with Your Honor's Order, plaintiff Bailey simultaneously submitted a demand to Lutheran with respect to a 403(b) plan and after receiving a timely response from the plan administrator, plaintiffs submitted a follow up demand to the Plan. In defendants' view, plaintiffs are pursuing claims that are different in certain key respects from the claims set forth in the current complaint. The parties are discussing the new claims and it has not been possible to comply with the schedule.

*(initials)* The parties jointly request that the schedule be extended to allow them to complete the process and to allow for responses to the follow up demand and to the demand with respect to the 403(b) plan. We jointly propose that the response to the demands be made by July 16, 2008, plaintiffs amended complaint, if any, be filed by July 30, 2008 and that a status conference be scheduled thereafter. The

MEMO ENDORSED

NY #1721244 v1

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parties are available for a conference on August 6, 7 or 8. There have been no previous requests for an extension of the schedule.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Edward Copeland".

Edward Copeland

EC/zs

cc: Gregory Reid, Esq. (via facsimile)

*\*Applications GRANTED.<sup>1</sup> The conference is adjourned to  
8/7/08 at 4:15 pm in Courtroom 20-C*

JUN 24 2008  
SO ORDERED:  
A handwritten signature in black ink, appearing to read "Hon. Paul A. Crotty".  
HON. PAUL A. CROTty  
UNITED STATES DISTRICT JUDGE